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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Robert Hemmerle,)
11 Petitioner,) No. CV-04-0315-PHX-PGR
12 vs.)
13 Dora Schriro, et al.) ORDER
14 Respondents.)
_____)

15 The Court dismissed the petitioner's petition for writ of habeas corpus, filed
16 pursuant to 28 U.S.C. § 2254, as being untimely under 28 U.S.C. § 2244(d)(1)
17 and the Ninth Circuit Court of Appeals, in its mandate issued on November 28,
18 2007, affirmed that dismissal because it also concluded that the habeas petition
19 was filed after the expiration of the limitations period mandated by the
20 Antiterrorism and Effective Death Penalty Act.

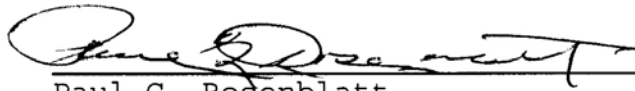
21 Pending before the Court is the petitioner's Motion for Reconsideration,
22 filed December 21, 2007, wherein the petitioner requests that the Court now
23 resolve his habeas petition on its merits notwithstanding the Ninth Circuit's
24 determination. The Court has no authority to do so. Therefore,

25 IT IS ORDERED that the petitioner's Motion for Reconsideration (doc. #53)

26 / / /

1 is denied.

2 DATED this 7th day of January, 2008.

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6 Paul G. Rosenblatt
7 United States District Judge
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